

**REMARKS/ARGUMENTS**

Claims 1-6 are present in this application. By the Amendment, claim 1 has been amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1, 3 and 5 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,926,268 to Bonewitz et al. in view of U.S. Patent No. 6,519,356 to Hooker et al. and further in view of U.S. Patent No. 6,571,934 to Thompson, U.S. Patent No. 4,459,487 to Leser and U.S. Patent No. 5,926,556 to Douglas et al. This rejection is respectfully traversed.

The Office Action recognizes that Bonewitz does not teach electronic cameras that simultaneously pick up first and second images, a test tube rack, and features c) and d). Bonewitz merely teaches a system 100 for inspecting containers 114 for defects (col. 3, lines 34-36) and does not determine the type of the test tubes. According to Bonewitz, the image of a non-stressed container 114 is essentially black (col. 6, lines 30-31); however, defective or stressed areas in container 114 appear bright (col. 6, lines 36-37). Computer 144 analyzes the gray level changes of the images stored in memory 152 to detect the presence of stress-causing defects. Computer 144 preferably defines window regions or areas of interest (col. 9, lines 27-31) and also defines objects, or marks, in the image (col. 11, lines 12-13). That is, in Bonewitz, changes of the gray level between the non-stressed region and the stressed region are detected within the defined window regions. In contrast with the claimed invention, the objects or marks to be defined by computer 144 are not the top view image and the side view image of the test tube but rather are defects in the areas of interest. Additionally, Bonewitz does not extract an edge of each of the top view and the side view images.

The Office Action contends that Douglas teaches an identifying pattern 80 as shown in Fig. 5A and the features c) and d). The window region 80 includes a pattern image 81 showing the container's mold code. The Douglas patent relates to reading the mold codes (col. 10, lines 36-38). The standard pattern memory 114 (Fig. 6) of Douglas stores an active list of mold codes identifying which molds 18 are currently in use (col. 10, line 62 – col. 11, line 2). In contrast with the invention defined in claim 1, Douglas does not store plural reference top view image edges and reference side view image edges of the test tubes of plural types.

The Office Action further acknowledges that the combination of Bonewitz and Hooker and Thompson and Douglas still does not teach features c) and d) in the context of the claimed side pattern. However, Applicant respectfully disagrees with the Examiner that Bonewitz teaches that Fig. 8, reference. 236 can be modified with a plurality of inspection methods in order to determine if a container passes or fails an inspection based on data obtained in Fig. 8, reference 232. Bonewitz merely teaches that computer 144 executes various inspection routines at step 236 to inspect container 114 for defects or undesirable production trends (col. 11, lines 52-55) and preferably, computer 144 executes different inspection algorithms which are suited for detection of different types of defects (col. 11, lines 55-57).

Leser teaches that the processing circuit 56 is adapted for carrying out a comparison of the data stored in memory 60 with typical information corresponding to a predetermined set of bottles and stored in a reference pattern memory 64 (col. 6, lines 28-32). Data stored in the memory 60 is the X and Z length information (col. 6, line 25). Thus, Leser does not teach the comparison determination unit which compares the top view image edge and the side view image edge extracted by the extracting unit and the plural reference top view image edges and the plural

side view image edges of the test tubes stored in the reference pattern memory to determine a type of each of the test tubes held in the tube rack.

As such, Applicant respectfully submits that the rejection is misplaced.

With regard to dependent claims 3 and 5, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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